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November 30, 2004

**FEDEX**

Ms. Elizabeth O'Donnell  
Executive Director  
Public Service Commission of Kentucky  
211 Sower Boulevard  
Frankfort, Kentucky 40601

RECEIVED

DEC 01 2004

PUBLIC SERVICE  
COMMISSION

Re: Case No. 2004-00319

Dear Ms. O'Donnell:

We acknowledge receipt of your November 22 letter confirming that the application in this case meets the minimum filing requirements. We note the name of John E. Selent on the service list and this is incorrect. Mr. Selent is not counsel of record in this case and we respectfully request that his name be deleted.

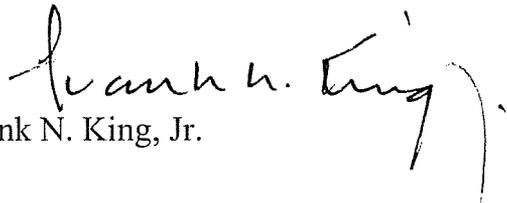
Enclosed for filing please find the original and 10 copies of Response on behalf of Jackson Purchase Energy Corporation.

Your assistance in this matter is appreciated.

Very truly yours,

DORSEY, KING, GRAY, NORMENT & HOPGOOD

By

  
Frank N. King, Jr.

FNKJr/cds

COPY/w/encls.: Attorney General of Kentucky, Office of Rate Intervention

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION OF JACKSON PURCHASE )  
ENERGY CORPORATION FOR )  
ADJUSTMENTS IN EXISTING CABLE )CASE NO. 2004-00319  
TELEVISION ATTACHMENT TARIFF )

**RESPONSE TO KENTUCKY CABLE TELECOMMUNICATIONS  
ASSOCIATION'S MOTION FOR FULL INTERVENTION**

Now comes JACKSON PURCHASE ENERGY CORPORA-  
TION ("JPEC") and for response to the motion for full intervention of  
KENTUCKY CABLE TELECOMMUNICATIONS ASSOCIATION ("KCTA")  
states that if such intervention is granted, the order should direct that KCTA's  
members are deemed to be parties for all purposes in this case; otherwise JPEC  
objects to the motion. By way of explanation and as grounds, JPEC states as  
follows:

1. KCTA alleges that it is a non-profit organization and that three (3)  
of its members, Comcast Cable Vision of Paducah, Inc., Mediacom  
Communications Corporation and Charter Communications, are utility customers

of JPEC. KCTA then states in the third paragraph of its motion that “The Commission permitted KCTA’s participation on behalf of its members” in Case No. 2003-0056. This statement implies that the Commission made a ruling to this effect, which is not correct.

2. As set forth in the Application, JPEC acknowledges that the three (3) aforementioned cable companies are customers. Case No. 2003-0056 was filed by KCTA against JPEC on behalf of these same three (3) cable companies, which KCTA referred to as “constituent members” in that case. JPEC specifically did not challenge KCTA’s representation of its members in that case, but conditioned its position on the stipulation that the members “are deemed separate complainants for purposes of JPEC’s counterclaim.” See initial paragraph of JPEC’s Answer and Counterclaim in Case No. 2003-0056.

3. In Case No. 2003-0056 JPEC submitted Requests for Production and specified that the requests should be answered separately by KCTA and each of its three (3) members. However, KCTA refused to respond to the requests with information available to these three (3) cable companies stating:

“ . . . There are only two parties in the above-captioned proceeding, KCTA and JPEC. KCTA’s constituent members are not parties to this litigation and are beyond its scope. As such, KCTA provides

answers and/or documents only on its own behalf, and not with respect to its constituent members. . .”

4. Case No. 2003-0056 was settled and the Commission was not called upon to determine whether KCTA should be required to respond with information that was available to the three (3) cable companies.

5. KCTA now comes back before the Commission and seeks full intervention as an agent or representative of the three (3) cable companies. Full intervention makes an intervenor a party to the proceedings for all purposes. Indeed KCTA asserts in the first paragraph of its motion that it “should have the right to be heard on the issue of the proposed increase of . . . rates,” and asserts in the second paragraph of its motion that it seeks full intervention “to allow it to fully participate as a party” in this case. 807 KAR 5:001 Section 3(8) provides that, in order to be granted full intervention, a movant must have a special interest in the proceeding which is not otherwise adequately represented, or the full intervention of a movant is likely to present issues or to develop facts that assist the Commission. KCTA clearly does not satisfy the requirements of this regulation, and it does not contend otherwise in its motion. KCTA would not legitimately fulfill the true function of a party if it is permitted to intervene and then serve as a

shield for its three (3) constituent members, who perhaps do satisfy these requirements.

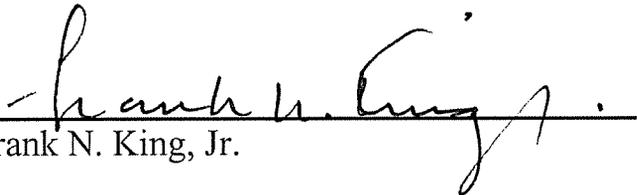
6. KCTA states in the second paragraph of its motion that its intervention would be “in lieu of the individual intervention of the three (3) Jackson Purchase customers.” Thus, it appears that KCTA is attempting to position itself exactly as it did in Case No. 2003-0056, and the Commission should not allow this to happen.

7. KCTA’s intervention should not be granted unless the intervention is conditioned on KCTA’s three (3) constituent members being deemed parties for all purposes, including responding to any data requests that may ensue in this proceeding.

8. Counsel for JPEC has conferred with counsel for KCTA in an effort to obtain an agreement and understanding covering JPEC’s position in its response, but counsel for KCTA has refused to enter into such an agreement.

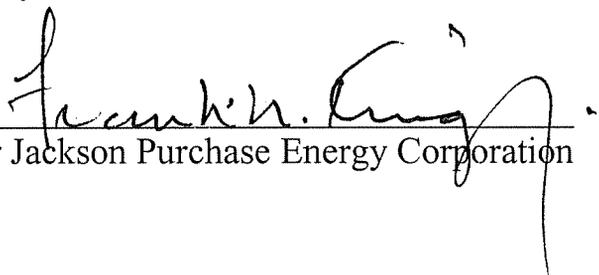
**WHEREFORE**, JPEC responds that the intervention of KCTA, if granted, should be conditioned as aforesaid and if not, then JPEC objects to KCTA’s motion for full intervention.

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**Attorneys for Jackson Purchase Energy Corporation**

By   
Frank N. King, Jr.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been served upon the Attorney General of Kentucky, Office of Rate Intervention, 1024 Capital Center Drive, Frankfort, KY 40601; Gardner F. Gillespie, Hogan & Harston, L.L.P., 555 Thirteenth Street, Washington, D.C. 20004-1109, and Frank F. Chuppe, Wyatt, Tarrant & Combs, LLP, 500 West Jefferson Street, Suite 2600, Louisville, KY 40202, attorneys for Kentucky Cable Telecommunications Association, by mailing a true and correct copy of same on this 30<sup>th</sup> day of November, 2004.

  
counsel for Jackson Purchase Energy Corporation